

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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 ANTHONY MEDINA, :
 :
 Plaintiff, :
 :
 -against- :
 :
 CITY OF NEW YORK, et al., :
 :
 Defendants. :
 -----X

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 8/24/2021

ORDER

VERNON S. BRODERICK, United States District Judge:

I am in receipt of Plaintiff Anthony Medina's letter dated July 28, 2021 requesting that I assist with ensuring that Defendant Jason Colter, a civilian, is served. (Doc. 119.) The Marshals were unable to serve Defendant Colter at the address provided. (*See* Doc. 102.) In his letter, Plaintiff indicates that the State Defendants should be aware of Defendant Colter's whereabouts. Additionally, Plaintiff states that he cannot respond to Defendants' motion to dismiss until he reviews Colter's answer to his second amended complaint. I disagree with this contention; however, given that Plaintiff is pro se and the time it will take for this order to be mailed to Plaintiff, I will extend Plaintiff's time to respond to Defendants' motion to dismiss. Finally, Plaintiff requests that I dismiss Defendant Nilda E. Rivera from the action without prejudice. Accordingly, it is hereby:

ORDERED that by on or before September 7, 2021, the State Defendants file a letter indicating whether they are aware of Defendant Jason Colter's current address so that service can be effectuated.

IT IS FURTHER ORDERED that Plaintiff's time to respond to the Defendants' motion to dismiss is extended until September 10, 2021. Defendants' reply, if any, shall be filed by on or before September 24, 2021.

IT IS FURTHER ORDERED that Defendant Nilda E. Rivera is dismissed from this action without prejudice.

The Clerk of Court is respectfully directed to mail a copy of this Order to the Pro Se Plaintiff.

SO ORDERED.

Dated: August 24, 2021
New York, New York



Vernon S. Broderick
United States District Judge